

PART 143

Ground Instructors

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**DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION**



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new series of regulations called the "Federal Aviation Regulations" to replace the present "Civil Air Regulations" and "Regulations of the Administrator".

During the life of the recodification project, Chapter I of Title 14 may contain more than one Part bearing the same number. To differentiate between the two, the recodified Parts, such as the ones in this subchapter, will be labeled "[New]". The label will of course be dropped at the completion of the project as all of the regulations will be new.

Subchapter H [New] was published as a notice of proposed rule making in the Federal Register on April 19, 1962 (27 F.R. 3756), and circulated as Draft Release 62-16.

Some of the comments received recommend specific substantive changes to the regulations. Although some of the recommendations might, upon further study, appear to be meritorious, they cannot be adopted as a part of the recodification program. The purpose of the program is simply to streamline and clarify present regulatory language and to delete obsolete or redundant provisions. To attempt substantive change (other than minor, relaxatory ones that are completely noncontroversial) would delay the project and would be contrary to the ground rules specified for it in the Federal Register on November 15, 1961 (26 F.R. 10698) and Draft Release 61-25. However, all comments of this nature will be preserved and considered in any later substantive revision of the affected Parts. As a result, with one exception, no change has been made in the substance of the rules contained in the notice of proposed rule making. The exception is a clarification and relaxation of the rule relating to work performed off station by repair stations. A new subparagraph (d) has been added to section 145.51 to make it clear that a certificated repair station may under quality controlled circumstances perform maintenance or alteration at a place other than the repair station. One other major change, although not substantive, is the deletion of policy material formerly contained in CAM sections 53.40-1 and 53.41-1 relating to the details of mechanic school curricula, and their replacement by language based on CAR sections 53.40 and 53.41. The deleted material was not mandatory and will be considered for inclusion in the Agency Advisory Circular System.

Other comments received suggested changes in style or format or in technical wording. These comments were carefully considered and, where consistent with the style, format, and terminology of the recodification project, were adopted.

The definitions, abbreviations, and rules of construction contained in Part 1 [New] published in the Federal Register on May 15, 1962 (27 F.R. 4587) apply to the new Subchapter H.

Interested persons have been afforded an opportunity to participate in the making of this regulation, and due consideration has been given to all relevant matter presented. The Agency appreciates the cooperative spirit in which the public's comments were submitted.

In consideration of the foregoing, Chapter I of Title 14 is amended by deleting Parts 50, 51, 52, 53, and 54 and by adding Subchapter H [New]* reading as hereinafter set forth, effective September 17, 1962.

This amendment is made under the authority of sections 313(a), 314, 601, and 607 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1355, 1421, and 1427).

*Includes Part 141—Pilot Schools [New], Part 143—Ground Instructors [New], Part 145—Repair Stations [New], Part 147—Mechanic Schools [New], Part 149—Parachute Lofts [New].

or ratings. This action was proposed in Notice No. 64-20 (29 F.R. 4919) issued April 1, 1964. As proposed, it applies to not only the airman regulations but also the regulations covering medical certification and ground instructors.

A number of comments were received on Notice No. 64-20, most of them generally favorable to the proposed amendments. These comments opposed as too harsh the provision that the commission of a prohibited act is a basis for suspending or revoking an existing certificate or rating held by the violator. A major purpose for this provision is the deterrent effect of the enunciation of a strong available penalty. Thus, the provision is especially significant with respect to a person who assists another in the violation, for example by taking a test for him. In such a case, it is no deterrent to the former (who usually is obtained because he already holds the certificate the latter is seeking) merely to warn him that the principal penalty for taking a test in behalf of another person is that he will not be eligible, for a year thereafter, for any airman, ground instructor, or medical certificate or rating, as the case may be. The most effective deterrent in this situation would be the possibility of loss of one or all of the certificates he already possesses.

The one-year ineligibility for a certificate or rating is automatic in the case of cheating or other unauthorized conduct in connection with written tests. However, as indicated by Notice No. 64-20, the fact that suspension and revocation of certificates or ratings are made available in these regulations does not mean they must be imposed in every case or automatically upon every violator. The same degree of discretion and the same criteria for the imposition of these sanctions will be exercised by the Agency officials responsible for taking enforcement action in this area as in all other areas where penalties are provided for violation of regulations. Furthermore, the sanctions made available by these amendments do not preclude the imposition, in case of violation, of civil penalties under Section 901 of the Federal Aviation Act of 1958 (49 U.S.C. 1471), either alone or in conjunction with these sanctions.

Comments also were received urging that acts to be prohibited by these amendments should be done "knowingly," or "willfully," or "knowingly or willfully," to incur the sanctions provided. It of course is not the design of these amendments to prohibit acts that might likely be committed inadvertently. Accordingly, these amendments, make clear that intention is an element of those prohibited acts that otherwise might likely be committed inadvertently, namely, the removal of a written test, or a false statement on an application for a certificate or rating or in a logbook, record, or required report. Also, responsive to several comments and reflecting the original intention as to reproductions of certificates or ratings, the prohibition has been restated to refer to reproduction for fraudulent purpose. Furthermore, the reference in Notice No. 64-20 to authorization by the Administrator in this connection has been dropped in these amendments, since only fraudulent reproductions are prohibited, and since new documents are issued where appropriate, thus obviating any need for authorizing alterations.

Interested persons have been afforded an opportunity to participate in the making of these amendments, and due consideration has been given to all matter presented.

In consideration of the foregoing, Part 143 of the Federal Aviation Regulations is amended, effective March 20, 1965, as follows.

These amendments are made under the authority of sections 313(a), 601, 602, and 607 of the Federal Aviation Act of 1958 (49 U.S.C. 1354, 1421, 1422, 1427).

the requirements concern presentation of certificates for inspection, application for suspension or after revocation; changes of name, and replacement of lost or destroyed certificates; and retesting after failure (written and flight tests). Several additional changes clarify certain provisions or remove others that are considered unnecessary. The changes were proposed in Notice No. 86-9 issued on March 28, 1966 (31 F.R. 5324), except for those making consistent the provisions on return of certificates that are suspended or revoked.

Several comments concurred generally with the proposals. Other comments were addressed to individual proposals, principally those concerned with presenting certificates for inspection, and with clarifying and incorporating in § 61.39 the interpretation that a flight instructor may not log as instrument time (and receive credit for) periods when he is serving as a flight instructor but not manipulating the controls.

(1) *Presentation of certificates for inspection.* Three comments opposed adding Federal law enforcement officers to the list of persons to whom the holder of an airman or ground instructor certificate must present it for inspection upon request. One comment expressed apprehension that a law enforcement officer might use the regulations to deprive an individual of his license. However, neither the proposed change nor the existing regulations (already requiring presentation upon request of the Administrator or an authorized representative of the Civil Aeronautics Board or of any State or local law enforcement officer) purport to extend to other agencies authority to enforce FAA safety regulations. The authority to enforce those regulations by a civil penalty or certificate action remains with the FAA, and only this Agency may suspend or revoke an airman certificate issued by it, subject to review by the CAB. This comment also questioned the existing requirements for presentation to other than authorized personnel of the regulatory agencies. However, the requirements, as expanded by these amendments, are appropriate to implement the enforcement of criminal provisions of the Federal Aviation Act of 1958 such as sections 902(b)—Forgery of certificates, and 902(i) through (m)—Aircraft piracy, etc. (for whose investigation the FBI is responsible), as well as to implement regulations issued thereunder and other regulatory provisions. The second adverse comment believed that presentation should be required only to authorized persons who understand what the certificates are, namely, the FAA and CAB. The concern of the third adverse comment was with the question who constitutes a law enforcement officer. However, no difficulty has been encountered in these respects in connection with the existing regulatory provisions, and none can reasonably be expected in the future.

(2) *Application during suspension or after revocation.* Several comments felt it was too harsh to prohibit a pilot whose pilot certificate has been revoked from applying for any pilot or flight instructor certificate or rating for one year, or to prohibit a person whose flight instructor certificate only is revoked from applying for any flight instructor certificate for one year. One of these comments suggested that a pilot who files for a living could not sustain himself for a year without an opportunity to regain his certificate, and that he should be permitted to requalify without a time limit if he shows evidence of up-dating and training. These comments lose sight of the punitive as well as corrective nature of revocation action. Furthermore, the revocation order may allow application in less than one year.

(3) *Changes of name, and replacement of lost or destroyed certificates.* One comment objected to requiring a brief statement of the circumstances of loss or destruction

*Parts 61, 63, and 65 are published separately.

(4) *Retesting after failure (written and flight tests)*. One comment suggested that in § 61.27(d) as amended, the applicant for an airline transport pilot certificate or associated rating should be required, after a second failure of a maneuver of the flight test, to demonstrate competency on related maneuvers. These amendments make no substantive change at this time. A substantive change has been proposed by Notice No. 66-6 (31 F.R. 4735), upon which final action has not yet been completed.

(5) *Other changes*. As proposed, the word "civil" is inserted before the word "aircraft" in § 61.3(f), thus making the language of this prohibition concerning the lack of instrument rating consistent with § 61.3(a) concerning in general the lack of a pilot certificate. Also, § 61.3(f) is amended to reflect the changes recently made by Amendment 61-24, as well as those proposed by Notice No. 66-9.

Strong opposition was expressed to the proposed change in § 61.39(e) that would specifically express the limitation, already existing and confirmed by interpretation, that a flight instructor may not log (and receive credit for) as instrument time, periods when he is serving as a flight instructor but not manipulating the controls. Since the change is clarifying only, it is made as proposed. However, the Agency intends to full reconsider this provision in view of the public response to Notice 66-9 and, if relaxation of the rule then appears appropriate, to issue a notice of proposed rule making in order to allow full public participation in making the rule change.

These amendments make the remaining changes proposed by Notice No. 66-9. In addition, the provisions requiring the return of suspended or revoked certificates are made consistent throughout these regulations. Thus, §§ 61.9(g), 63.15(b), 65.15(c), and 143.7(b) are all amended to provide that the holder of a suspended or revoked certificate shall, upon the Administrator's request, return it to the Administrator. This change was not proposed by Notice No. 66-9; however, since the provision is considered procedural only, notice and public procedure thereon is not necessary.

Interested persons have been afforded an opportunity to participate in the making of these amendments (except those concerning return of suspended or revoked certificates), and due consideration has been given to all matter presented.

In consideration of the foregoing, Parts 61, 63, 65, and 143 of the Federal Aviation Regulations are amended effective November 19, 1966.

These amendments are made under the authority of sections 313(a), 601, 602, and 607 of the Federal Aviation Act of 1958 (49 U.S.C 1354, 1421, 1422, 1427).

Transportation, and the aviation safety functions of the Civil Aeronautics Board under Titles VI and VII of the Federal Aviation Act of 1958 were transferred to the National Transportation Safety Board.

This rule-making action therefore changes the term "Federal Aviation Agency", wherever it occurs in the Federal Aviation Regulations, to "Federal Aviation Administration", and the word "Agency" when used alone to denote the Federal Aviation Agency to "FAA". For reasons of economy the editions of these regulations that are currently for sale will not be reprinted merely to make these changes. Whenever they are reprinted for other reasons, the printing changes will be made. However, the pages of Part 1 reflecting the changes in definition of the term "Administrator" and the abbreviation "FAA" will be reprinted as soon as possible.

The changes made in the Parts containing references to the Civil Aeronautics Board that are affected by the transfer of functions to the National Transportation Safety Board are self-explanatory. Pages containing these changes will also be reprinted as soon as possible.

Notice and public procedure thereon are not required since these amendments merely reflect changes of law, and they may therefore be made effective immediately.

In consideration of the foregoing, the Federal Aviation Regulations (14 CFR Chapter I) are amended, effective April 1, 1967.

These amendments are made under the authority of sections 3(e), 6(c) and 9(f) of the Department of Transportation Act (15 U.S.C. 1652(e), 1655(c), 1657(f)) and section 313(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a)).

Amendment 143-3

Changes in References to FAA Regulations, Position Title, and Certain Addresses

Adopted: August 27, 1970

Effective: September 4, 1970

(Published in 35 F.R. 14074, September 4, 1970)

The purpose of these amendments to Parts 61, 63, 65, 67, 141, and 143 of the Federal Aviation Regulations is to reflect in Parts 65 and 141 appropriate references to Part 430 of the Regulations of the National Transportation Safety Board; reflect in Part 67 an organizational change in the title of the FAA Assistant Administrator to FAA Regional Director; and update several references in the Regulations to the addresses to which applications for replacement of lost or destroyed certificates and certain other communications with the FAA are sent. These amendments also correct an inadvertent error made in a recent amendment to Part 65.

On April 1, 1967, the aviation safety functions of the Civil Aeronautics Board under Titles VI and VII of the Federal Aviation Act of 1958 were transferred to the National Transportation Safety Board (49 U.S.C. 1651 et seq.). Thereafter the Board issued Part 430 of its Regulations pertaining to aircraft accidents, incidents, overdue

should not be authorized to issue air traffic control clearances for IFR flight without authorization from the appropriate air route traffic control center. In issuing Amendment 65-15 pursuant thereto (35 F.R. 12326) it was stated that a tower may be under the jurisdiction of some facility other than an air route traffic control center, and that therefore the general phrase of reference "facility exercising IFR control" would be used. However, in the amended § 65.45(b) the phrase "air traffic control" was inadvertently used instead of "IFR control." These amendments correct that inadvertence by replacing "air traffic control" with "IFR control."

Notice and public procedure hereon are not required since these amendments merely reflect changes of law and procedures as well as the correction of an inadvertent clerical error, and they may therefore be made effective in less than 30 days.

In consideration of the foregoing, Parts 61, 63, 65, 67, 141 and 143 of the Federal Aviation Regulations are amended, effective September 4, 1970.

(Sections 313(a), 602, 608 of the Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1422, 1428. Section 6(c) of the Department of Transportation Act; 49 U.S.C. 1655(c)).

NOTE: Corrections to addresses in Sections 143.8(b) and 143.23 are incorporated in the original printing of this basic volume.

Amendment 143-4

Airmen and Ground Instructors: Certain Additional Information in Application for Duplicate Certificates, and Expiration Date for Telegraphic Certificate

Adopted: February 5, 1971

Effective: April 12, 1971

(Published in 36 F.R. 2864, February 11, 1971)

The purpose of these amendments to Parts 61, 63, 65, and 143, of the Federal Aviation Regulations is to (1) require certain additional information in an application for a lost or destroyed airman or ground instructor certificate; and (2) provide a 60-day limitation on a telegram from the FAA confirming that the lost certificate was issued.

Interested persons have been afforded an opportunity to participate in the making of these amendments by a Notice of Proposed Rule Making (Notice 70-30) issued on July 23, 1970, and published in the Federal Register on July 31, 1970 (35 F.R. 12284). Due consideration has been given to all comments presented in response to that Notice.

Five of the seven public comments received on the Notice concurred in the proposals. Of the other two public comments, one opposed the proposals as an invasion of privacy because they require the inclusion of social security number in an application for replacement of a lost or destroyed certificate. However, as stated in the Notice, it is considered that requiring the applicant to state, in addition to the items previously required, his permanent mailing address (including zip code), social security number (if any), and date and place of his birth, will reduce the number of instances in which a duplicate certificate is issued to a person who is not entitled to it. The remaining commentator, although not specifically opposing the proposals, sought assurance against any possible delays in the issuance of telegraphic confirmations.

(Sections 313(a), 601, 602, and 607 of the Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1422, 1427. Section 6(c) of the Department of Transportation Act; 49 U.S.C. 1655(c)).

estimated ratings and the general operating rules for the holders of those certificates and ratings.

§ 143.3 Application and issue.

(a) An application for a certificate and rating, or for an additional rating, under this Part, is made on a form and in a manner prescribed by the Administrator. However, a person whose ground instructor certificate has been revoked may not apply for a new certificate for a period of one year after the effective date of the revocation unless the order of revocation provides otherwise.

(b) An applicant who meets the requirements of this Part is entitled to an appropriate certificate with ratings naming the ground school subjects that he is authorized to teach.

(c) Unless authorized by the Administrator, a person whose ground instructor certificate is suspended may not apply for any rating to be added to that certificate during the period of suspension.

(d) Unless the order of revocation provides otherwise, a person whose ground instructor certificate is revoked may not apply for any ground instructor certificate for one year after the date of revocation.

§ 143.5 Temporary certificate.

A certificate or rating effective for a period of not more than 90 days may be issued to a qualified applicant, pending the issue of the certificate or rating for which he applied.

§ 143.7 Duration of certificate.

(a) A certificate or rating issued under this Part is effective until it is surrendered, suspended, or revoked.

§ 143.8 Change of name; replacement of lost or destroyed certificate.

(a) An application for a change of name on a certificate issued under this Part must be accompanied by the applicant's current certificate and the marriage license, court order, or other document verifying the change. The documents are returned to the applicant after inspection.

(b) An application for a replacement of a lost or destroyed certificate is made by letter to the Department of Transportation, Federal Aviation Administration, Airman Certification Branch, P.O. Box 25082, Oklahoma City, Okla. 73125. The letter must—

(1) Contain the name in which the certificate was issued, the permanent mailing address (including zip code), social security number (if any), and date and place of birth of the certificate holder, and any available information regarding the grade, number, and date of issue of the certificate, and the ratings on it; and

(2) Be accompanied by a check or money order for \$2.00, payable to the Federal Aviation Administration.

(c) A person whose certificate issued under this Part has been lost may obtain a telegram from the FAA confirming that it was issued. The telegram may be carried as a certificate for a period not to exceed 60 days pending his receiving a duplicate certificate under paragraph (b) of this section, unless he has been notified that the certificate has been suspended or revoked. The request for such a telegram may be made by prepaid telegram,

be of good moral character, and comply with § 143.11.

§ 143.11 Knowledge requirements.

Each applicant for a ground instructor certificate must show his practical and theoretical knowledge of the subject for which he seeks a rating by passing a written test on that subject.

§ 143.15 Tests: general procedures.

(a) Tests prescribed by or under this Part are given at times and places, and by persons, designated by the Administrator.

(b) The minimum passing grade for each test is 70 percent.

§ 143.17 Retesting after failure.

An applicant for a ground instructor rating who fails a test under this Part may apply for retesting—

(a) After 30 days after the date he failed that test; or

(b) Upon presenting a statement from a certificated ground instructor, rated for the subject of the test failed, certifying that he has given the applicant at least five hours additional instruction in that subject and now considers that he can pass the test.

§ 143.18 Written tests: cheating or other unauthorized conduct.

(a) Except as authorized by the Administrator, no person may—

(1) Copy, or intentionally remove, a written test under this Part;

(2) Give to another, or receive from another, any part or copy of that test;

(3) Give help on that test to, or receive help on that test from, any person during the period that test is being given;

eligible for any airman or ground instructor certificate or rating under this chapter for a period of one year after the date of that act. In addition, the commission of that act is a basis for suspending or revoking any airman or ground instructor certificate or rating held by that person.

§ 143.19 Recent experience.

The holder of a ground instructor certificate may not perform the duties of a ground instructor unless, within the 12 months before he intends to perform them—

(a) He has served for at least three months as a ground instructor; or

(b) The Administrator has determined that he meets the standards prescribed in this Part for the certificate and rating.

§ 143.20 Applications, certificates, logbooks, reports, and records: falsification, reproduction, or alteration.

(a) No person may make or cause to be made—

(1) Any fraudulent or intentionally false statement on any application for a certificate or rating under this Part;

(2) Any fraudulent or intentionally false entry in any logbook, record, or report that is required to be kept, made, or used, to show compliance with any requirement for any certificate or rating under this Part;

(3) Any reproduction, for fraudulent purpose, of any certificate or rating under this Part; or

(4) Any alteration of any certificate or rating under this Part.

(b) The commission by any person of an act prohibited under paragraph (a) of this

or an authorized representative of the Na- Okla. 15129 in writing, or his new address.

